

1 BRIAN J. STRETCH (CABN 163973)
Acting United States Attorney

2 DAVID R. CALLAWAY (CABN 121782)
3 Chief, Criminal Division

4 CHINHAYI COLEMAN CADET (CABN 194542)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-7205
8 FAX: (415) 436-7200
chinhayi.cadet@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR 14-00296 JST
14 Plaintiff,)
15 v.) STIPULATION AND ~~PROPOSED~~ ORDER
16 EDGARDO DUARTE,) CONTINUING MOTION HEARING AND
17 Defendant.) EXCLUDING TIME UNDER THE SPEEDY TRIAL
18) ACT
19)

20 **STIPULATION**

21 Defendant Edgardo Duarte and the government respectfully request that Defendant Edgardo
22 Duarte's motion hearing currently scheduled for October 23, 2015 be continued to December 11, 2015,
23 at 2:00 p.m., and that time be excluded under the Speedy Trial Act until the new date. Duarte filed his
24 motion on September 4, 2015, and the government filed its opposition on September 25, 2015. Duarte's
25 reply, if any, is due on October 2, 2015.

26 The matter is currently set for a motion hearing on October 23, 2015, and the parties have been
27 advised that the Court is no longer available to conduct the hearing on that day. Counsel for Duarte
28 continues to review the discovery in this wiretap case, investigate this matter, and confer with Duarte,

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1 taking into account the exercise of due diligence. Consequently, the continuance allows for effective
2 preparation of counsel for Duarte, taking into account the exercise of due diligence.

3 Defendant Duarte and the government agree that the ends of justice served by excluding the
4 period from October 23, 2015 to December 11, 2015 from Speedy Trial Act calculations outweighs the
5 interests of the public and the defendant in a speedy trial by allowing for the effective preparation of
6 counsel, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

7 IT IS SO STIPULATED.

8 Dated: September 29, 2015

/s/
LINDA FULLERTON
Counsel for Defendant Edgardo Duarte

BRIAN J. STRETCH
Acting United States Attorney

12 Dated: September 29, 2015

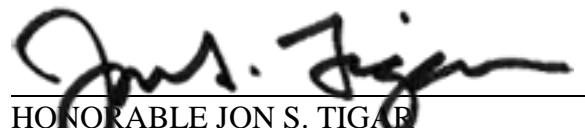
/s/
CHINHAYI COLEMAN CADET
Assistant United States Attorney

15 **PROPOSED ORDER**

16 For good cause shown, the Court Hereby Orders that Defendant Edgardo Duarte's motion
17 hearing currently scheduled for October 23, 2015 is continued to December 11, 2015, at 2:00 p.m., at the
18 Federal Courthouse located at 1301 Clay Street, Oakland, California. The Court further orders that the
19 period from October 23, 2015 to December 11, 2015 is excluded from the Speedy Trial Act calculations
20 as to Defendant Edgardo Duarte for effective preparation of counsel and pursuant to 18 U.S.C. §§
21 3161(h)(7)(A) and (B)(iv).

22 IT IS SO ORDERED.

23 DATED: September 30, 2015


HONORABLE JON S. TIGAR
United States District Judge